

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

JACQUELINE RHODES, )  
Plaintiff, )  
v. )  
MUNICIPAL EMERGENCY SERVICES, INC. and ) C.A. No. 3:13-cv-00109-MOC-DSC  
ERIC A. JOHNSON, )  
Defendants. )

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**ORDER**

**THIS MATTER** is before the Court on “Defendant’s Motion for Rule 35 Order for Independent Psychiatric Examination [of Plaintiff]” (document #46) and the parties’ briefs and exhibits. See documents ## 46-1 through 46-5, 47-50, 53 and 55.

The Court has carefully considered the record, authorities and the parties’ arguments. Defendant seeks an order compelling Plaintiff to undergo a psychiatric examination by Dr. Donna Schwartz-Watts. The parties have agreed that Dr. Schwartz-Watts will examine Plaintiff, but are unable to agree as to the location and timing of the examination. For the reasons stated in Defendants’ briefs, the Court will exercise its discretion and grant the Motion. Plaintiff shall undergo a psychiatric examination under the conditions set forth below.<sup>1</sup>

**THEREFORE, IT IS ORDERED** that:

1. “Defendant’s Motion for Rule 35 Order for Independent Psychiatric Examination [of Plaintiff]” (document #46) is **GRANTED**.

2. Plaintiff is **ORDERED** to undergo a psychiatric examination by Dr. Donna Schwartz-

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<sup>1</sup>Rule 35(a) of the Federal Rules of Civil Procedure provides that “[w]hen the mental or physical condition...of a party...is in controversy, the court...may order the party to submit to a physical or mental examination by a suitably licensed or certified examiner for good cause shown.” Fed. R. Civ. P. 35(a).

Watts in either Gastonia or Lincolnton, North Carolina at a location to be agreed upon by the parties. The examination shall not exceed eight (8) hours and shall be completed in one day. The examination shall be completed within thirty (30) days of the entry of this Order. If the parties are unable to agree as to a location and/or date for the examination, the location and date designated by Defendant shall control.

3. The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Max O. Cogburn, Jr.

**SO ORDERED.**

Signed: December 3, 2013

  
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David S. Cayer  
United States Magistrate Judge

